

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of claims:**

1. (currently amended) A device for extinguishing a candle flame, comprising:  
a container for holding a quantity of water;  
means associated with the container for discharging under pressure during a dispensing cycle up  
5 to about 1.0 ml ~~a small quantity~~ of the water as an aerosolized, fog-like spray of water droplets  
having a size of from about 1.0 ~~one~~ to about 1000 microns distributed over a steep bell curve,  
and dispersed in a filled conical spray pattern sufficient to encompass the flame of a candle to  
extinguish the flame without requiring contact between the device and the candle or the candle  
flame.
2. cancelled
3. (currently amended) A device as claimed in claim 1 ~~2~~, wherein:  
the quantity of water discharged in each dispensing cycle is only about 0.50 ml.
4. (currently amended) A device as claimed in claim 1 ~~2~~, wherein:  
the quantity of water discharged in each dispensing cycle is only about 0.08 ml.
5. A device as claimed in claim 1, wherein:  
the size of the water droplets averages from about 65 microns to about 70 microns
6. cancelled.
7. A device as claimed in claim 3, wherein:  
the means associated with the container comprises a finger pump
- 8-17. cancelled

18. A device as claimed in claim 2, wherein:

the means associated with the container comprises a finger pump dispenser having an actuator button with a .012-inch mechanical break up insert to produce said droplet size and full conical spray pattern.

19-24 cancelled

25. (new) A device for extinguishing a candle flame, comprising:

a container holding a quantity of non-flammable fluid;

means associated with the container for discharging under pressure during a dispensing cycle a short burst of the fluid sufficient only to extinguish the flame and prevent smoking of the candle, without requiring contact between the device and the candle or the candle flame.

26. (new) A device as claimed in claim 25, wherein:

the fluid comprises water, and a quantity of the water is discharged during a dispensing cycle sufficient only to extinguish the candle but insufficient to wet a surrounding surface.

#### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application is respectfully requested in view of the amendments made above and the remarks which follow.

The present invention comprises a device that extinguishes a candle flame and prevents smoking of the candle wick by directing a short burst of non-flammable fluid, e.g., water, against the flame. The fluid is discharged in a quantity sufficient only to extinguish the flame and prevent smoking of the wick, but insufficient to wet a surrounding surface. This is an important feature of the invention, since candles frequently are supported on surfaces, e.g., tables and other fine furniture that would be damaged by simply spraying water or water droplets against the flame. Contact between the device and the candle or candle flame is not required and would not be desirable.

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More specifically, the quantity of water discharged during a dispensing cycle in the invention is from about 0.5 ml to about 1.0 ml, the particle size is from about 1.0 micron up to about 1,000 microns (preferably 65 to 70 microns), and the discharge pressure is from about 25 psi to 100 psi. In the elected embodiment the device comprises a finger pump.

Harrison (6,267,581) discloses a candle snuffer having a bell-shaped housing 24 at one end that is placed over the flame to snuff it out (Abstract, last five lines; and column 3, lines 20-28). The candle snuffer in Harrison has been modified to spray a mist of water against the wick to prevent it from smoking. It is not clear that the Harrison device would extinguish the flame and prevent smoking of the wick if the housing 24 is not placed over the flame. Even if it would, the quantity of water discharged may be sufficient to wet a surrounding surface and cause damage to it. Harrison is silent on this point. Harrison is also silent with respect to the size of the water particles and the discharge pressure.

Yen (6,510,901) discloses an apparatus for extinguishing grease fires in a kitchen by spraying a relatively large quantity of a water mist (over 1 liter) against the fire for a relatively prolonged period of time (more than 3 seconds). Yen also discharges his water mist at a higher pressure than used in the present invention (125 to 250 psi compared with 25 to 100 psi), and the particle size range (400 to 1000 microns) is greater than the preferred range in the present invention (65 to 70 microns). Perhaps more important than these detail differences is the fact that Yen is not concerned with extinguishing a candle flame and preventing smoking of the wick. The industrial grade system disclosed by Yen clearly would not be any more appropriate for extinguishing a candle flame than would a garden hose or a conventional fire extinguisher. In fact, Yen's invention is a replacement for conventional fire extinguishers, which are not satisfactory for extinguishing cooking fires because of the use of materials that may be toxic and inappropriate for contact with food or food preparation surfaces. Yen's system solves this problem by using pure water as the fire extinguishing material. Other than the fact that he discloses a particle size for the water mist of only up to 1000 microns, Yen does not suggest any

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of the features of the invention. Even this limited teaching would not likely be relied upon by a person having ordinary skill in the art looking for ways to extinguish a candle flame.

Goeren (5,829,648) is concerned with an apparatus to entertain the user and dispense a fragrance, and has nothing to do with extinguishing a flame, much less a candle flame. This patent is therefore even more remote to the present invention than Yen. Goeren does use water as the carrier for his fragrance, and relies upon a finger pump to dispense the fragrance. However, none of the other features of the invention are suggested. Goeren emits a "blossom" of spray (column 2, line 16), and states that the spray "is sufficiently dispersed so that the bedding is --- not overly wet by the spray". This at least implies that the spray is wet, and some wetting of the bedding does occur. This would not be satisfactory in the present invention. It is unlikely that a person having ordinary skill in the art would look to Goeren for a suggestion of how to improve devices for extinguishing a candle flame.

In summation, none of the cited references, whether considered singly or in combination, teach the present invention or suggest how any of them could be modified in view of the other to produce the present invention as claimed.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,  
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